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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**KATE NOONAN PERKINS**  
**a.k.a. KATE NOONAN**  
**a.k.a. KATE N. PERKINS**  
**a.k.a. KATE PERKINS**  
**335 Natalen Avenue**  
**San Antonio, TX 78209**

**Registered Nurse License No. 600108**

**RESPONDENT**

Case No. 2013-305

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about October 22, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-305 against Kate Noonan Perkins, aka Kate Noonan, aka Kate N. Perkins, aka Kate Perkins (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about June 4, 2002, the Board of Registered Nursing (Board) issued Registered Nurse License No. 600108 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on December 31, 2005 and has not been renewed.

3. On or about October 22, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-305, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

335 Natalen Avenue

1 San Antonio, TX 78209.

2 4. Service of the Accusation was effective as a matter of law under the provisions of  
3 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
4 124.

5 5. On or about December 3, 2012, the Certified Mail was returned by U. S. Postal  
6 Service marked "Unclaimed." The address on the documents was the same as the address on file  
7 with the Board. Respondent failed to maintain an updated address with the Board and the Board  
8 has made attempts to serve the Respondent at the address on file. Respondent has not made  
9 herself available for service and therefore, has not availed herself of her right to file a notice of  
10 defense and appear at hearing.

11 6. Business and Professions Code section 2764 states:

12 The lapsing or suspension of a license by operation of law or by order or decision of  
13 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive  
14 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding  
15 against such license, or to render a decision suspending or revoking such license.

16 7. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
18 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
19 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
20 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

21 ~~8. Respondent failed to file a Notice of Defense within 15 days after service of~~  
22 ~~the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation~~  
23 ~~No. 2013-305.~~

24 9. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
26 agency may take action based upon the respondent's express admissions or upon other evidence  
27 and affidavits may be used as evidence without any notice to respondent.

1           10. Pursuant to its authority under Government Code section 11520, the Board after  
2 having reviewed the proof of service dated October 22, 2012, signed by Brent Farrand, finds  
3 Respondent is in default. The Board will take action without further hearing and, based on  
4 Accusation No. 2013-305 and the documents contained in Default Decision Investigatory  
5 Evidence Packet in this matter which includes:

6           Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2013-305,  
7 Statement to Respondent, Notice of Defense (two blank copies), Request  
8 for Discovery and Discovery Statutes (Government Code sections  
9 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail  
10 receipt or copy of returned mail envelopes;

11          Exhibit 2: License History Certification for Kate Noonan Perkins, aka Kate Noonan,  
12 aka Kate N. Perkins, aka Kate Perkins, Registered Nurse License No.  
13 600108;

14          Exhibit 3: Affidavit of Kami Pratab;

15          Exhibit 4: Declaration of costs by Office of the Attorney General for prosecution of  
16 Case No. 2013-305;

17          Exhibit 5: Out of State Discipline (Texas and Maine Boards of Nursing).

18 The Board finds that the charges and allegations in Accusation No. 2013-305 are separately and  
19 severally true and correct by clear and convincing evidence.

20          11. Taking official notice of Certification of Board Costs and the Declaration of Costs by  
21 ~~the Office of the Attorney General contained in the Default Decision Investigatory Evidence~~  
22 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that  
23 the reasonable costs for Investigation and Enforcement in connection with the Accusation are  
24 \$1,147.50 as of November 29, 2012.

25        //

26        //

27        //

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Kate Noonan Perkins, aka Kate Noonan, aka Kate N. Perkins, aka Kate Perkins has subjected her following license(s) to discipline:

a. Registered Nurse License No. 600108

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary action by another State Board of Nursing.

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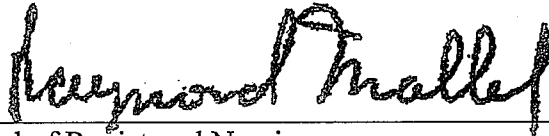
**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 600108, heretofore issued to Respondent Kate Noonan Perkins, aka Kate Noonan, aka Kate N. Perkins, aka Kate Perkins, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on APRIL 11, 2013.

It is so ORDERED MARCH 12, 2013.



Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Attachment:

Exhibit A: Accusation No. 2013-305

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# Exhibit A

Accusation No. 2013-305

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 LESLIE A. BURGERMYER  
Deputy Attorney General  
4 State Bar No. 117576  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5337  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-305*

13 **KATE NOONAN PERKINS,**  
14 **a.k.a. KATE NOONAN,**  
15 **a.k.a. KATE N. PERKINS,**  
16 **a.k.a. KATE PERKINS**  
335 Natalen Avenue  
San Antonio, Texas 78209

**A C C U S A T I O N**

17 **Registered Nurse License No. 600108**

Respondent.

18  
19 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive

22 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

23 2. On or about June 4, 2002, the Board issued Registered Nurse License Number  
24 600108 to Kate Noonan Perkins, also known as Kate Noonan, Kate N. Perkins, and Kate Perkins,  
25 ("Respondent"). The registered nurse license expired on December 31, 2005, and has not been  
26 renewed.

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1 Noonan, issued an Order revoking Respondent's license to practice professional nursing in the  
2 State of Texas. A true copy of the Order is attached hereto, marked Exhibit A, and incorporated  
3 herein by this reference. The underlying circumstances are the disciplinary order against  
4 Respondent by the State of Maine Board of Nursing, described below.

5 b. On or about December 21, 2010, the State of Maine Board of Nursing, in a  
6 disciplinary action titled *In RE: Kate N. Perkins, RN, of Yarmouth, ME, Licenses #R052926*,  
7 entered into a *Consent Agreement for Voluntary Surrender of License* with Respondent, thereby  
8 accepting Respondent's voluntary surrender of her license to practice as a registered nurse. A  
9 true copy of the Consent Agreement is attached hereto, marked Exhibit B, and incorporated  
10 herein by reference). Pursuant to the Consent Agreement, Respondent admitted to diverting  
11 narcotics (Fentanyl and Oxycodone) from Maine Medical Center, where she was employed as a  
12 registered nurse.

13 **PRAYER**

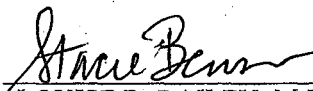
14 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 600108, issued to Kate  
17 Noonan Perkins, also known as Kate Noonan, Kate N. Perkins, and Kate Perkins;

18 2. Ordering Kate Noonan Perkins, also known as Kate Noonan, Kate N. Perkins, and  
19 Kate Perkins, to pay the Board of Registered Nursing the reasonable costs of the investigation and  
20 enforcement of this case, pursuant to Code section 125.3; and,

21 3. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: OCTOBER 22, 2012

24 *for*   
25 LOUISE R. BAILEY, M.ED., R.N.  
26 Executive Officer  
27 Board of Registered Nursing  
28 State of California  
Complainant

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## **EXHIBIT A**

*Order of the State of Texas Board of Nursing*

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
NUMBER 752524	§	COMMITTEE
ISSUED TO	§	OF THE TEXAS
KATE NOONAN	§	BOARD OF NURSING

**ORDER OF THE BOARD**

TO: Kate Noonan  
32 W. Sand Pond Rd.  
Limington, Maine 04049

During open meeting held in Austin, Texas, on Tuesday, December 13, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 752524, previously issued to KATE NOONAN, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Entered this 13th day of December, 2011.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed October 25, 2011.

Re: Permanent Certificate Number 752524  
Issued to KATE NOONAN  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of December, 20 11, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Kate Noonan  
32 W. Sand Pond Rd.  
Limington, Maine 04049

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License  
Number 752524, Issued to  
KATE NOONAN, Respondent

§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KATE NOONAN, is a Registered Nurse holding license number 752524, which is in 'Multi-State Recognition (MSR) Compact License Invalid' status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### CHARGE I.

On or about December 21, 2010, Respondent VOLUNTARILY SURRENDERED her license to practice as a registered nurse in the State of Maine to the State of Maine Board of Nursing, Augusta, Maine. A copy of the Consent Agreement for Voluntary Surrender of License is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).


NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Fraud, Theft & Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: State of Maine Board of Nursing Agreed Order dated December 21, 2010.

Filed this 25<sup>th</sup> day of October, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512) 305-7401

Attachments: State of Maine Board of Nursing Agreed Order dated December 21, 2010

D/2010.12.28



PAUL R. LePAGE  
GOVERNOR

STATE OF MAINE  
BOARD OF NURSING  
158 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0158

MYRA A. BROADWAY, J.D., M.S., R.N.  
EXECUTIVE DIRECTOR

STATE OF MAINE )


COUNTY OF KENNEBEC )

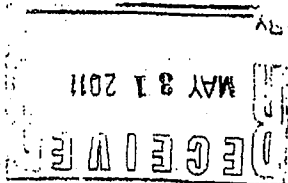
I, Myra Broadway, Executive Director for the Maine State Board of Nursing, do hereby certify that I am the Custodian of Records for the Board of Nursing and that the enclosed document, in the matter of **Kate Noonan Perkins** is a true and accurate copy of said document as it appears among the files and records of this office.

WITNESS my hand seal of the Board of Nursing, this 26<sup>th</sup> day of May 2011.

MAINE STATE BOARD OF NURSING

By:

  
Myra A. Broadway, J.D., M.S., R.N.  
Executive Director  
Custodian of Records



PRINTED ON RECYCLED PAPER

PHONE: (207) 287-1133

OFFICE LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME  
<http://www.maine.gov/boardofnursing/>

FAX: (207) 287-1149





STATE OF MAINE  
BOARD OF NURSING  
158 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0158

JOHN ELIAS BALDACCI  
GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.  
EXECUTIVE DIRECTOR

IN RE: KATE N. PERKINS, RN  
of Yarmouth, ME  
Licenses #R052926

) CONSENT AGREEMENT  
) FOR VOLUNTARY  
) SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Kate N. Perkins's license as a registered professional nurse in the State of Maine. The parties to this Agreement are Kate N. Perkins ("Licensee" or "Ms. Perkins"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (C), 10 M.R.S. §§ 8003 (A-1) (4), 8003 (5) (B) and 8003 (5) (D). The parties reached this Agreement on the basis of a Provider Report from Maine Medical Center ("MMC") dated October 29, 2010, with supplemental information dated December 3, 2010, and a self-report from the Licensee dated November 21, 2010.

FACTS

1. Kate N. Perkins has been licensed as a registered professional nurse to practice in Maine since August 2006.
2. Kate N. Perkins was employed as a registered professional nurse at MMC from November 2, 2009 until her termination on October 27, 2010 due to diversion of controlled substances. As a result of MMC's internal third quarter analysis and report regarding the utilization of Fentanyl, Ms. Perkins was found to have a Fentanyl utilization higher than that of her peer group for that quarter. After an audit of Ms. Perkins' medication administration practices, she was confronted by MMC personnel questioning whether she had diverted the Fentanyl. Ms. Perkins admitted she diverted the Fentanyl, as well as one instance of Oxycodone. The facility reports no documented patient harm.
3. Kate N. Perkins was suspended from employment at MMC on October 15, 2010, pending its investigation of diversion. Subsequent to her admission to MMC personnel, she self-reported the above-described diversion to the Board on October 18, 2010. She also stated she had a 2007 history of alcohol/substance abuse, but had maintained her sobriety until June 2009, when she suffered an injury. Ms. Perkins submitted a written statement to the Board on November 21, 2010 [Exhibit 1].
4. Kate N. Perkins fully acknowledges her responsibility for the drug diversion and agrees with the reports submitted by MMC.
5. Kate N. Perkins states she is currently active at Crossroads for Women, individual and group therapy, monthly medication management, and a community recovery group with a sponsor for the 12-Step Program.
6. Kate N. Perkins has offered to surrender her registered professional nursing license based upon the above-stated facts and thereby waives her right to an adjudicatory hearing.

AGREEMENT

7. The Maine State Board of Nursing will accept Kate N. Perkins' offer to voluntarily surrender her registered professional nursing license. Ms. Perkins understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not they would support the Board's findings in this Agreement. Further, she understands and



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PHONE: (207) 287-1133

OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME  
<http://www.maine.gov/boardofnursing/>

FAX: (207) 287-1149

agrees that this document imposes discipline regarding her nursing practice in the State of Maine. The grounds for discipline are found under Title 32 M.R.S. § 2105-A(2)(A), (2)(B), (2)(F) and (2)(H) and Chapter 4, Sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, Sections 3(F), 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:

Title 32 M.R.S. §§:

- a. 2105-A (2) (A). Ms. Perkins engaged in the practice of fraud or deceit in connection with a service rendered within the scope of her license. (See also Chapter 4, Section 1.A.1.)
- b. 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2.)
- c. 2105-A (2) (F). Unprofessional Conduct. Ms. Perkins has engaged in unprofessional conduct by violating standards of professional behavior that have been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
- d. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)
- e. Chapter 4, Section 3. *Unprofessional Conduct* as defined by the Rules and Regulations of the Maine State Board of Nursing states that *Nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*

F. Failure to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.

K. Inaccurate recording, falsifying or altering a patient or health care provider record.

P. Diverting drugs, supplies or property of patients of health care provider.

Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

- 8. Kate N. Perkins understands and agrees that her nursing license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Perkins understands and agrees that if the Board reinstates her license, it may be for a probationary period.
- 9. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Perkins' "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principal home for legal purposes; her domicile. Other party states in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Perkins understands this Agreement is subject to the Compact.
- 10. Kate N. Perkins understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
- 11. Kate N. Perkins shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation "RN" while her nursing license is surrendered.

12. This Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
13. Modification of this Agreement must be in writing and signed by all parties.
14. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. Kate N. Perkins affirms that she executes this Agreement of her own free will.
16. This Agreement becomes effective upon the date of the last necessary signature below.

I, KATE N. PERKINS, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 12/15/10

Kate Perkins RN  
KATE N. PERKINS, RN

FOR THE MAINE STATE  
BOARD OF NURSING

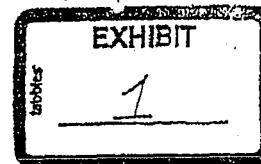
DATED: 12/20/10

Myra A. Broadway  
MYRA A. BROADWAY, J.D., M.S., R.N.  
Executive Director

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 12/21/10

John H. Richards  
JOHN H. RICHARDS  
Assistant Attorney General



November 21, 2010

Kate Perkins  
6 Ipswich Court  
Yarmouth, ME 04096

Jayne Winters  
Maine State Board of Nursing  
161 Capitol Street  
158 State House Station  
Augusta, ME 04333

Dear Ms. Winters,

I'm writing this letter to follow up our conversation last week, and respectfully request the Board to accept my voluntary surrender of my nursing license. Over the past year I've been suffering from both severe depression and substance abuse struggles. This past February I was hospitalized at Spring Harbor and probably should have left full time nursing at that point however I did not and subsequently diverted narcotics from Maine Medical Center CTICU.

I fully acknowledge my responsibility for the drug diversion and agree with any report submitted by the hospital for the Board's review. It is my hope that the Board will see that this is my first offense of any kind, and will allow me to surrender rather than receive a disciplinary action. For your records, I am currently actively involved at Crossroads for Women and would be willing to submit any treatment records and random drug screen results. I participate in individual therapy, group therapy weekly, and medication management monthly. I also am active in the Portland area recovery community having a 12 step home group and sponsor.

I would like to close with an apology for my behavior unbecoming the nursing profession. It was never my intent to hurt anyone or make such a terrible mess of my life. I hope that with time and treatment I will be able to someday return to the field and conduct myself professionally.

Sincerely,

Kate Perkins

---

## **EXHIBIT B**

*Consent Agreement of the State of Maine Board of Nursing*



PAUL R. LePAGE

GOVERNOR

STATE OF MAINE  
BOARD OF NURSING  
158 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0158

MYRA A. BROADWAY, J.D., M.S., R.N.

EXECUTIVE DIRECTOR

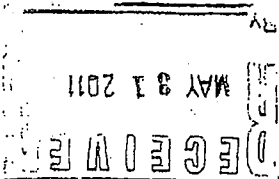
STATE OF MAINE )  
COUNTY OF KENNEBEC )

I, Myra Broadway, Executive Director for the Maine State Board of Nursing, do hereby certify that I am the Custodian of Records for the Board of Nursing and that the enclosed document, in the matter of **Kate Noonan Perkins** is a true and accurate copy of said document as it appears among the files and records of this office.

WITNESS my hand seal of the Board of Nursing, this 26<sup>th</sup> day of May 2011.

MAINE STATE BOARD OF NURSING

By: *Myra Broadway*  
Myra A. Broadway, J.D., M.S., R.N.  
Executive Director  
Custodian of Records



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STATE OF MAINE  
BOARD OF NURSING  
158 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0158

JOHN ELIAS BALDACCI  
GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.  
EXECUTIVE DIRECTOR

IN RE: KATE N. PERKINS, RN  
of Yarmouth, ME  
Licenses #R052926

) CONSENT AGREEMENT  
) FOR VOLUNTARY  
) SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Kate N. Perkins's license as a registered professional nurse in the State of Maine. The parties to this Agreement are Kate N. Perkins ("Licensee" or "Ms. Perkins"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (C), 10 M.R.S. §§ 8003 (A-1) (4), 8003 (5) (B) and 8003 (5) (D). The parties reached this Agreement on the basis of a Provider Report from Maine Medical Center ("MMC") dated October 29, 2010, with supplemental information dated December 3, 2010, and a self-report from the Licensee dated November 21, 2010.

FACTS

1. Kate N. Perkins has been licensed as a registered professional nurse to practice in Maine since August 2006.
2. Kate N. Perkins was employed as a registered professional nurse at MMC from November 2, 2009 until her termination on October 27, 2010 due to diversion of controlled substances. As a result of MMC's internal third quarter analysis and report regarding the utilization of Fentanyl, Ms. Perkins was found to have a Fentanyl utilization higher than that of her peer group for that quarter. After an audit of Ms. Perkins' medication administration practices, she was confronted by MMC personnel questioning whether she had diverted the Fentanyl. Ms. Perkins admitted she diverted the Fentanyl, as well as one instance of Oxycodone. The facility reports no documented patient harm.
3. Kate N. Perkins was suspended from employment at MMC on October 15, 2010, pending its investigation of diversion. Subsequent to her admission to MMC personnel, she self-reported the above-described diversion to the Board on October 18, 2010. She also stated she had a 2007 history of alcohol/substance abuse, but had maintained her sobriety until June 2009, when she suffered an injury. Ms. Perkins submitted a written statement to the Board on November 21, 2010 [Exhibit 1].
4. Kate N. Perkins fully acknowledges her responsibility for the drug diversion and agrees with the reports submitted by MMC.
5. Kate N. Perkins states she is currently active at Crossroads for Women, individual and group therapy, monthly medication management, and a community recovery group with a sponsor for the 12-Step Program.
6. Kate N. Perkins has offered to surrender her registered professional nursing license based upon the above-stated facts and thereby waives her right to an adjudicatory hearing.

AGREEMENT

7. The Maine State Board of Nursing will accept Kate N. Perkins' offer to voluntarily surrender her registered professional nursing license. Ms. Perkins understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not they would support the Board's findings in this Agreement. Further, she understands and



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PHONE: (207) 287-1133

OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME  
<http://www.maine.gov/boardofnursing/>

FAX: (207) 287-1149

agrees that this document imposes discipline regarding her nursing practice in the State of Maine. The grounds for discipline are found under Title 32 M.R.S. § 2105-A(2)(A), (2)(B), (2)(F) and (2)(H) and Chapter 4, Sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, Sections 3(F), 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:

Title 32 M.R.S. §§:

- a. 2105-A (2) (A). Ms. Perkins engaged in the practice of fraud or deceit in connection with a service rendered within the scope of her license. (See also Chapter 4, Section 1.A.1.)
  - b. 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2.)
  - c. 2105-A (2) (F). Unprofessional Conduct. Ms. Perkins has engaged in unprofessional conduct by violating standards of professional behavior that have been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
  - d. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)
  - e. Chapter 4, Section 3. *Unprofessional Conduct* as defined by the Rules and Regulations of the Maine State Board of Nursing states that *Nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*
    - F. Failure to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.
    - K. Inaccurate recording, falsifying or altering a patient or health care provider record.
    - P. Diverting drugs, supplies or property of patients of health care provider.
    - Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
8. Kate N. Perkins understands and agrees that her nursing license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Perkins understands and agrees that if the Board reinstates her license, it may be for a probationary period.
9. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Perkin's "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Perkins understands this Agreement is subject to the Compact.
10. Kate N. Perkins understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
11. Kate N. Perkins shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation "RN" while her nursing license is surrendered.



12. This Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
13. Modification of this Agreement must be in writing and signed by all parties.
14. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. Kate N. Perkins affirms that she executes this Agreement of her own free will.
16. This Agreement becomes effective upon the date of the last necessary signature below.

I, KATE N. PERKINS, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 12/15/10

Kate Perkins RN  
KATE N. PERKINS, RN

FOR THE MAINE STATE  
BOARD OF NURSING

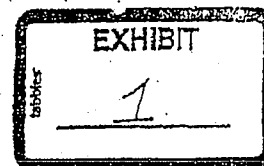
DATED: 12/20/10

Myra A. Broadway  
MYRA A. BROADWAY, J.D., M.S., R.N.  
Executive Director

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 12/21/10

JOHN H. RICHARDS  
Assistant Attorney General



November 21, 2010

Kate Perkins  
6 Ipswich Court  
Yarmouth, ME 04096

Jayne Winters  
Maine State Board of Nursing  
161 Capitol Street  
158 State House Station  
Augusta, ME 04333

Dear Ms. Winters,

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